



**VERSION WITH MARKINGS TO SHOW  
CHANGES MADE**

**In The Claims:**

The above claim has been amended as shown in the claim below of the same number wherein added words are underlined and deleted words are [bracketed].

**Claim 1. (Amended)**      An aqueous composition for cleaning and wetting a contact lens comprising:

- (a)    a non-amine polyethyleneoxy-containing material having an HLB value of at least about 18;
- (b)    a first non-ionic surface active agent having cleaning activity for contact lens deposits that comprises a poloxamine;
- (c)    a second non-ionic surface active agent having cleaning activity for contact lens deposits and that comprises a non-poloxamine surface active agent with an HLB value less than that of said non-amine polyethyleneoxy-containing material; and
- (d)    a wetting agent.

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## REMARKS

The cleaning and wetting compositions disclosed and claimed in the present application provide improved cleaning, i.e., improved removal of contact lens deposits, as well as less eye irritation as compared to the commercialized compositions of U.S. Patent Number 5,604,189. Also, the preferred embodiments of the subject compositions are effective at disinfecting a contact lens, yet employs a lower amount of antimicrobial agent thus further alleviating the potential for eye irritation.

In the subject Office Action, an election/restriction requirement was made by the Examiner under 35 U.S.C. 121. A provisional election was made to prosecute the invention of Group I, claims 1-12, drawn to a composition for cleaning and wetting a contact lens, classified in class 510, subclass 112. Applicant hereby affirms the election of Group 1, claims 1-12.

Claims 1-12 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant respectfully traverses the rejection of claims 1-12 under 35 U.S.C. 112, second paragraph. Based on the above amendment to independent claim 1, components (a) and (c) no longer overlap in scope. Component (a) has a HLB value of at least about 18. Conversely, component (c) as now defined by the amendment above, has a HLB value less than that of component (a). For this reason, the rejection of claims 1-12 under 35 U.S.C. 112, second paragraph is now inappropriate. Withdrawal of this rejection of claims 1-12 is thereby respectfully requested.

Claims 1-12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hu et al, WO 00/37049.

Applicant respectfully traverses the rejection of claims 1-12 under 35 U.S.C. 103(a). Hu et al. '049 teach an ophthalmic solution for the treatment of contact lenses while worn in the eye. In particular, the compositions contain ethoxylated glucose derivative, tyloxapol and a polyoxyethylene-polyoxypropylene nonionic surfactant.

To the contrary, the compositions of the present invention as disclosed and claimed in the present application contain a non-amine polyethyleneoxy-containing material, a first nonionic surfactant, a second nonionic surfactant and a wetting agent. As set forth on page 5, lines 1-5, the subject compositions include a wetting agent. Although the high-HLB PEO-containing component may contribute to the wetting ability of the composition, the inclusion of a supplemental wetting agent, as claimed, ensures the composition effectively wets contact lenses treated therewith. Accordingly, Hu et al., '049 teach away from the compositions of the present invention. Hu et al., '049 teach and/or suggest that ethoxylated glucose derivatives (identified on page 3, line 10, of the subject application as suitable high-HLB PEO-containing components) serve also as the wetting agent, thus teaching away from the compositions of the present invention. As disclosed and claimed in the subject application, a separate wetting agent is required in order to achieve improved cleaning with less eye irritation as compared to commercialized compositions of U.S. Patent Number 5,604,189. Accordingly, the subject compositions differ significantly from the teachings and suggestions of Hu et al., '049. For this reason in addition to others not set forth herein, the rejection of claims 1-12 under 35 U.S.C. 103(a) is thereby inappropriate. Withdrawal of the rejection claims 1-12 under 35 U.S.C. 103(a) is respectfully requested.

Claims 1-4 and 6-11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Heiler et al., WO 97/43373.

Applicant respectfully traverses the rejection of claims 1-4 and 6-11 under 35 U.S.C. 103(a). Heiler et al., '373 teach compositions and methods used as in the eye and/or out of the eye inhibitors of proteinaceous deposits on hydrophilic contact lenses. In particular, the compositions contain moderately charged polyquaternium polymers that selectively bind to hydrophilic contact lenses to block the binding of proteinaceous materials.

To the contrary, the compositions of the present invention as disclosed and claimed in the present application contain a non-amine polyethyleneoxy-containing material, a first nonionic surfactant, a second nonionic surfactant and a wetting agent. The subject compositions do not contain polyquaternium polymers as the active ingredient to prevent the formation of protein deposits on contact lenses. Accordingly, Heiler et al., '373 teach away from the compositions of the present invention. Heiler et al., '373 teach and/or suggest that moderately charged polyquaternium polymers are necessary in a composition to achieve an effective contact lens cleaning solution. However, as disclosed and claimed in the subject application, compositions of the present invention achieve improved cleaning with less eye irritation as compared to commercialized compositions of U.S. Patent Number 5,604,189 without polyquaternium polymers. Accordingly, the subject compositions differ significantly from the teachings and suggestions of Heiler et al., '373. For this reason in addition to others not set forth herein, the rejection of claims 1-4 and 6-11 under 35 U.S.C. 103(a) is thereby inappropriate. Withdrawal of the rejection claims 1-4 and 6-11 under 35 U.S.C. 103(a) is respectfully requested.

Pending claims 1-12 as now amended are believed to be patentable. Allowance of pending claims 1-12 is thereby respectfully requested.

Should there be any questions regarding this communication, please feel free to contact the undersigned at (636) 226-3340.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rita D. Vacca", with a long horizontal flourish extending to the right.

Rita D. Vacca  
Reg. No.: 33,624

Bausch & Lomb, Inc.  
One Bausch & Lomb Place  
Rochester, New York 14604-2701